

II. REMARKS

A. Status of the Claims

Claim 52 has been amended without prejudice or admission. Support for the amendment can be found, e.g., on page 19, line 8, of the specification.

Claims 38 and 47-65 are currently pending and encompass the elected species.

B. Substance of Interview

In accordance with the provisions of 37 CFR 1.133, Applicants herein make of record the substance of the telephone interview conducted on April 30, 2009, between Applicants' attorney Oleg Ioselevich and Examiner Christopher M. Gross.

The Examiner informed Applicants' attorney that the election of the species within the genus of sustained release carrier in the response to the Office Action of May 29, 2008, has not been made; and requested that Applicants elect either the species of the sustained release carrier being (i) a sustained release coating, or (ii) incorporated into a matrix with oxycodone.

Applicants' attorney indicated that he will check with the Applicants and will get back to the Examiner.

Applicants thanks the Examiner for making an effort to complete the election of species by telephone, and respectfully request that the substance of interview be made of record.

The election of the species of the sustained release carrier being a coating is made below.

C. Election of Species

In the Office Action, the Examiner requested that Applicants elect “for the purposes of search, a single species of pain such as cancer, post-surgical, lower back, neck, toothache, etc. (e.g., see claim 48).” *Office Action, page 2 (emphasis in the original)*.

In response, Applicants elect, without traverse, the species of cancer pain.

In the Office Action, the Examiner also requested that Applicants elect “for the purposes of search, a single species of sustained release carrier such as alkylcellulose, hydroxyalkylcellulose, etc. (e.g., see claim 55).” *Office Action, page 2 (emphasis in the original)*. The Examiner further stated that Applicants “must further indicate whether it is a sustained release coating or incorporated into a matrix (e.g., see claim 60).” *Id.*

In response, Applicants elect, without traverse, the species of alkylcellulose and the species of the sustained release coating.

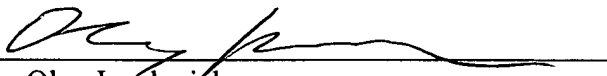
Applicants submit that claims 38 and 47-65 encompass the elected species.

III. CONCLUSION

An early and favorable action on the merits is earnestly solicited. The Examiner is respectfully requested to contact the undersigned at the telephone number provided below in the event that a telephonic interview will advance the prosecution of the application.

Respectfully submitted,

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